

CITY OF WILLMAR

PLANNING COMMISSION MEETING 7:00 P.M. ON WEDNESDAY, APRIL 7, 2021 VIRTUAL GOTO MEETING

Chair: Jonathan Marchand

Vice Chair: Jeff Kimpling

Members: Christina Nelson, Cletus Frank, Terry Sieck, Khalif Ahmed Bashir, Stephanie Carlson, and Justice Walker.

AGENDA

1. Meeting Called to Order
2. Minutes of March 17, 2021 meeting
3. Chaws Asian Market Plan Review
4. 7:01pm Driveway Standards Text Amendment
5. Miscellany
6. Adjourn

**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, MARCH 17, 2021**

MINUTES

1. The Willmar Planning Commission met on Wednesday, March 17, 2021, at 7:00 p.m. virtually via GoTo Meeting.

**** Members Present:** Christina Nelson, Jeff Kimpling, Justice Walker, Stephanie Carlson, Cletus Frank, Jonathan Marchand and Terry Sieck.

**** Members Absent:** Khalif Ahmed Bashir

**** Others Present:** Sarah Swedburg – Planner, Alex Rau – Planning & Development Intern, Dr. David Ramstad – Planning & Development Director, Jason Ver Steeg – Duininck Inc, Shelby Lindrud – West Central Tribune, Gary Hendrickx – Subway, Chris Raimann – Kuepers, Inc.

2. MINUTES: Minutes of the February 10, 2021 meeting were approved as presented.

3. SUBWAY DRIVE-THROUGH PLAN REVIEW – FILE NO 21-02: Staff presented a plan review on behalf of Gary Hendrickx with Tipacano, LLP of Appleton, MN for a drive-through on property described as follows: The westerly 10 feet of lot 3; Westerly 27.5 feet of Lot 4; Lot 5 excluding the Westerly 3 feet thereof; and Lot 6 excluding the Westerly 3 feet thereof, Block 2, Carlson's Addition to the City of Willmar (605 1st St S). Staff noted that the site plan meet all Zoning Ordinance Standards.

Commissioner Walker noted that 37 parking spaces, as shown in the site plan, was excessive. Walker suggested adding parking maximums to city ordinances. Walker asked if bike racks would be available onsite. Hendrickx noted that there were no plans at the moment for bike racks but could be added to the plan. Commissioner Walker asked about landscaping plans for the site. Hendrickx noted small shrubs and native grasses would be the landscaping.

Commissioner Kimpling noted he agreed with Engineering comments to remove the western driveway on Minnesota Avenue SW, closest to the intersection of Minnesota Avenue SW & 1st Street S. Hendrickx stated that he would like to keep the entrance to allow for one curb cut to be an entry and one be an exit off of Minnesota Avenue.

Commissioner Nelson asked if the entire parking lot would be a one-way system. Hendrickx said there is currently no plan for that but noted it would be the best way to handle traffic within the parking lot. Hendrickx suggested additional onsite bump outs to help with that flow of traffic.

Commissioner Frank asked Hendrickx if he agreed or disagreed with engineering's comments. Hendrickx stated he does not agree with Engineering's suggestion but would follow if required. Frank also inquired about signage plans. Hendrickx has not finalized plans for road facing signage, and staff noted that signage is a separate permit.

Commissioner Kimpling asked if planning and engineering would allow for both curb cuts on Minnesota if the parking lot was a one-way system. Swedburg stated she could not answer for Engineering but noted that the existing curb cut was dangerously close to the intersection of Minnesota Avenue & 1st Street. Commissioner Kimpling noted he was in favor of removing the second driveway.

Commissioner Marchand stated he believed the second driveway posed a safety threat and it was good practice to follow engineering recommendation. Marchand asked if replanning the parking lot into a one-way system was a fair compromise. Swedburg noted that the plan could be conditionally approved with further comments and approval from engineering.

Commissioner Sieck asked if a bottleneck effect would happen if the second intersection was removed.

Commissioner Walker stated his support for removing the second driveway.

Motion by Mr. Frank, seconded by Ms. Carlson to approve the Plan Review with the following conditions:

- A. Engineering comments regarding drive approaches shall be met, adhered to, and additional information supplied as requested.
- B. The Stormwater Ordinance shall be complied with and plans shall be approved by the Engineering Department.
- C. A landscaping plan shall be submitted and approved by the Zoning Administrator prior to issuance of building permits
- D. The use shall meet all applicable local, state, and federal rules and regulations at all times.

The Planning Commission reviewed and made affirmative findings of fact as per Zoning Ordinance Section 9.E.3.a.1-7.

The motion carried.

4. GENERAL BUSINESS MULTI-FAMILY TEXT AMENDMENT – FILE NO 21-01: The public hearing was opened at 7:40 pm. Staff introduced a text amendment to allow multi-family residential dwellings in the General Business district.

Staff noted that this is a major text amendment to existing ordinances but is in line with the general trend of the housing market. Additionally, this amendment aligns with the comprehensive plan. Staff presented data from the West Central Realtors Association, finding that Willmar's housing supply is not growing at a rate to meet demand and that the market has shifted to favor higher density development and infill.

No one appeared to speak for or against the request and the public hearing was closed at 7:45p.m.

Commissioner Frank asked if single family structures would be allowed with the current amendment. Staff noted that, as written, R-3 or higher development is the intended outcome. Commissioner Frank asked for the definition of multi-family within as defined in the text. Staff stated it means a structure with three or more dwelling units. Commissioner Frank recommended further clarification for “multi-family structures” within the amendment.

Swedburg noted that the general trend of zoning and development is to allow for greater mixed used and neighborhood clusters, allowing commercial and residential uses to be in closer proximity than currently allows in the existing zoning ordinances.

Ramstad noted that the City of Willmar’s existing definitions of multifamily have not kept up with general trends and are in need of updates.

Staff stated language will see minor updating to clarify the definition of multi-family structures prior to being sent to City Council.

Motion by Ms. Nelson, 2nd by Mr. Frank to approve the text amendment and forward the ordinance to City Council for introduction and public hearing.

Motion carried.

5. PRESERVE ON 24TH CUP – FILE NO 21-01: The public hearing opened at 8:05 pm. Staff presented, on behalf of Kuepers, Inc of Brainerd, MN, a Conditional Use Permit for 3, 3-story, 36-unit apartment buildings on property described as: Lots 2-5, Block 1, Waterview Business Park (201-401 24th Ave SE & 2200 5th St SE). Staff reminded the Commission of the text amendment that was just approved, for projects such as this one. Additionally, staff shared a number of images showing examples of other developments that Kuepers, Inc has constructed in Greater Minnesota.

No one appeared to speak for or against the request and the public hearing was closed at 8:10p.m.

Commissioner Marchand noted that there is a need for more units within the city. Marchand asked for a timeline of construction and when the structure would be move in ready. Chris Raimann, representative for Kuepers, Inc, noted construction on Building 1 and Building 2 would begin Summer of 2021 and would take 14 months to build. Building 3 would begin construction at a later date.

Commissioner Walker asked if the plans presented were the final site design. Raimann noted that this was the final site design. Walker noted the potential for residents to walk from the development to adjacent commercial space. Ver Steeg noted that they had not

planned for people to walk that way, as pedestrians would be accessing the back of the structure.

Commissioner Kimpling asked what fencing would be required for the property. Staff noted that fencing would not be required, and that garages and landscaping would create a natural separation of lots.

Commissioner Walker asked if crosswalks would be added to 24th Ave SE, noting the difficulty of crossing a four-lane road on foot. Commissioner Walker asked if parking was adequate for the needs. Raimann noted that generally garages are used for storage of property and recreational vehicles and not automobiles. Commissioner Walker suggested further work is needed from the commission for pedestrian friendliness.

Commissioner Marchand asked what elementary would serve residence. Staff did not have an answer at that time, suggesting either Lakeland or Roosevelt. Marchand asked how school buses would be handled, staff noted that it is likely that school buses will enter the parking area for pick up and that the school district would be consulted for these questions.

Motion by Mr. Frank, seconded by Mr. Sieck to approve the Conditional Use Permit with the following conditions:

- A. The General Business District text amendment to allow multi-family housing as a Conditional Use Permit shall be approved by Planning Commission and City Council.
- B. The Preserve on 24th Minor Subdivision shall be approved by Planning Commission and City Council.
- C. The Stormwater Ordinance shall be complied with and plans shall be approved by the Engineering Department.
- D. Park dedication fees shall be paid prior to issuance of building permits.
- E. The use shall meet all applicable local, state, and federal rules and regulations at all times.

The Planning Commission reviewed and made affirmative findings of fact as per Zoning Ordinance Section 9.E.3.a.1-7.

The motion carried.

6. PRESERVE ON 24TH MINOR SUBDIVISION – FILE NO 21-01: Staff presented on behalf of Kuepers, Inc of Brainerd, MN, a Minor Subdivision to replat four parcels into three on property described as: Lots 2-5, Block 1, Waterview Business Park (201-401 24th Ave SE & 2200 5th St SE). Staff again noted that this application was received for Preserve on 24th, corresponding with the Conditional Use Permit reviewed during the previous agenda item.

As a minor subdivision, staff approves the Final Plat and would like to see easements and access to the northern-most parcel addressed prior to final approval.

The Planning Commission reviewed and discussed Staff comments (Attachment A).

Motion by Mr. Frank, seconded by Mr. Kimpling to approve the Minor Subdivision with the following conditions:

- A. The General Business District text amendment to allow multi-family housing as a Conditional Use Permit shall be approved by Planning Commission and City Council.
- B. A Conditional Use Permit shall be approved by Planning Commission.
- C. An outlot or recordable easements shall be created to provide access to the northern-most parcel.
- D. Declarations/covenants for the internal access shall be submitted to Staff and recorded concurrently with plat for ease of tractability.
- E. All Kandiyohi County Engineering, Fire Chief/Marshall, Engineering/Public Works, and MUC comments shall be met, adhered to, and additional information supplied as requested.

The Planning Commission reviewed and made affirmative findings of fact as per Subdivision Ordinance Section 14-102.(e).1-7.

The motion carried.

- 7. DRIVEWAY STANDARDS REVIEW: Staff presented language compiled by the Planning and Development Department intern for formal driveway standards that would replace the current Section 3.S “Driveway Access Permit/Approval” section of the Zoning Ordinance. Planning Commission requested staff develop these standards to help mitigate time spent negotiating driveway placements and widths for every new development or renovation of properties in town.

The Planning Commission was in favor of the standards presented. Staff will consult with city attorney and engineering to finalize language, and publish the text amendment in the newspaper for a Public Hearing on April 7th.

- 8. COMPREHENSIVE PLAN UPDATE: Staff presented the Community Engagement Plan for the Comprehensive Plan Workgroup. This plan details when the workgroup and various subcommittees will meet, responsibilities of these groups, and plans for broader community engagement during the second phase of the Comprehensive Plan update.

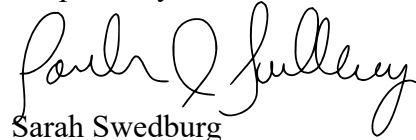
It was emphasized that the Community Engagement Plan was a launching point for the Comprehensive Plan Workgroup and all content can be changed by the Workgroup. Staff continues to develop drafts of the Comprehensive Plan and associated data to have as much documentation prepared for the Workgroup as possible.

Staff has been reaching out to public and private stakeholders for their input on relevant topics. The full list of Comprehensive Plan Commissioner will be finalized on April 7th and presented to Planning Commission for appointment. Staff asked Planning

Commissioners to come prepared for the April 7th meeting to know if they would like to serve on this Workgroup.

9. There being no further business to come before the Commission, the meeting adjourned at 9:31 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sarah Swedburg".

Sarah Swedburg
Planner

PLANNING COMMISSION – MARCH 17, 2021

STAFF COMMENTS

1. SUBWAY DRIVE-THROUGH PLAN REVIEW – FILE NO 21-02

- The applicant is Gary Hendrickx, on behalf of Tipacano Partnership, LLP of Appleton, MN.
- The applicant is requesting a plan review to allow a drive-through at a new Subway restaurant development on the property described as follows: The Westerly 10 feet of Lot 3; Westerly 27.5 feet of Lot 4; Lot 5 excluding the Westerly 3 feet thereof; and Lot 6 excluding the Westerly 3 feet thereof, Block 2, Carlson's Addition to the City of Willmar (605 1st St S).
- The property is zoned GB (General Business).
- The use as a restaurant is allowed outright; the drive-through requires a Plan Review.
- All setback, lot size, and width standards are met.
- The existing accessory structure in the Southeast corner of the property will remain. The property is otherwise vacant at this time.
- A new fence will be constructed on the Eastern property line, complying with the "transitional yard" screening requirements of the Zoning Ordinance.
- 37 parking spaces are required and 37 parking spaces are provided, 2 of which will be reserved for handicap parking, in compliance with ADA codes.
- There are three existing curb cuts: one via 1st St S and two via Minnesota Ave SE. See Engineering comments below.
- Standard curb cut widths for commercial properties are met (32 feet or less).

Engineering Comments:

The access on 1st St S should align with the access to Legacy Commons along 1st St S.

The western access on Minnesota Ave SE should be abandoned, but the Eastern curb cut may remain. Because there are 24-foot wide traffic lanes on site, the abandonment of the 2nd curb cut should not constrain on-site traffic and will provide greater traffic safety on the public roads.

RECOMMENDATION: Approve plan review with the following conditions:

- A. Engineering comments regarding drive approaches shall be met, adhered to, and additional information supplied as requested.
- B. The Stormwater Ordinance shall be complied with and plans shall be approved by the Engineering Department.
- C. A landscaping plan shall be submitted and approved by the Zoning Administrator prior to issuance of building permits.
- D. The use shall meet all applicable local, state, and federal rules and regulations at all times.

2. GENERAL BUSINESS TEXT AMENDMENT – FILE NO 21-01

- Alexandria, MN is one example of another City that allows Multi-family housing in a Business district with a Conditional Use Permit.
- This amendment aligns with the Comprehensive Plan's following goals and objectives:
 - F.3.e: Promote the location of higher-density housing units near commercial, medical and employment concentrations.
 - F.3.j: Encourage the location of residential subdivisions where City services are readily available and in areas which have direct access to existing transportation routes.
 - F.3.k: Promote the orderly growth of residential developments with logical expansion of municipal services and utilities.

RECOMMENDATION: Approve the text amendment and forward to City Council for introduction & public hearing.

3. PRESERVE ON 24TH MULTI-FAMILY CUP – FILE NO 21-01

- The applicant is Duinink Inc (Prinsburg, MN) on behalf of Kuepers, Inc (Brainerd, MN)
- The applicant is requesting a conditional use permit for a new multi-family development that would consist of 3, 3-story, 36-unit, market-rate apartment complexes on property described as: Lots 2-5, Block 1, Waterview Business Park (201-401 24th Ave SE & 2200 5th St SE)
- The property is zoned GB (General Business).
- The land shall be replatted.
- The property is approximately 6.80 acres, and each building is 13,652 square feet.
- In addition to three apartment buildings, the site will also include 6 garage structures with a total of 60 stalls.
- The site meets density standards of an R-5 development.
- Residential structures are allowed to meet General Business district setbacks, as found in Zoning Ordinance Section 3.F.3. All setback standards are met.
- 247 parking spaces provided (216 spaces required at 2 spaces per unit).
- A landscape plan has been submitted and meets Zoning Ordinance standards for onsite landscaping and parking lot islands.
- Regional Stormwater Detention was created for the Waterview Business Park with plans for sites with approximately 80-90% coverage. Total site coverage is 60.5%.
- City water and sewer mains are available to the property. The City will charge a tapping fee for new connections.
- There will be one access via 24th Ave SE and one access via 5th St SE. The 24th Ave SE access will be aligned approximately with the Taco Bell access, and the 5th St SE access will be aligned with the southern-most access to Walmart.
- The development includes green space on the property and dedicated playground space. Sidewalks currently exist along both 24th Ave SE and 5th St SE to provide future residents with multi-modal connection to other areas of town. Park Dedication fees will be required when platting the property.

- The development contributes to workforce housing in Willmar (market-rate, no income restrictions), and further provides residents with proximity to large employers and commercial amenities and needs.

RECOMMENDATION: Approve the conditional use permit with the following conditions:

- A. The General Business District text amendment to allow multi-family housing as a Conditional Use Permit shall be approved by Planning Commission and City Council.
- B. The Preserve on 24th Minor Subdivision shall be approved by Planning Commission and City Council.
- C. The Stormwater Ordinance shall be complied with and plans shall be approved by the Engineering Department.
- D. Park dedication fees shall be paid prior to issuance of building permits.
- E. The use shall meet all applicable local, state, and federal rules and regulations at all times.

4. PRESERVE ON 24TH MINOR SUBDIVISION – FILE NO 21-01

- The applicant is Duininek Inc (Prinsburg, MN) on behalf of Kuepers, Inc (Brainerd, MN)
- The applicant is requesting a subdivision of land to allow a multi-family residential development (3, 3-story, 36-unit complexes) on property described as: Lots 2-5, Block 1, Waterview Business Park (201-401 24th Ave SE & 2200 5th St SE).
- The parcels front 24th Ave SE & 5th St SE. One access is proposed per road.
- An outlot should be created to provide access to the Northern parcel?
- The parcels are zoned GB.
- Residential structures are allowed to meet General Business district setbacks, as found in Zoning Ordinance Section 3.F.3. All setback standards are met.
- A text amendment to allow multi-family housing by Conditional Use Permit in a General Business District is being reviewed by Planning Commission and City Council. Additionally, a Conditional Use Permit has been submitted by the same applicant and the previous item was a review of this item.
- All lots meet the minimum density and lot size under high-density multi-family residential district standards.

RECOMMENDATION: Approve the preliminary plat with the following conditions:

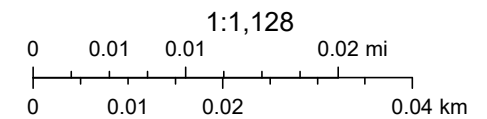
- A. The General Business District text amendment to allow multi-family housing as a Conditional Use Permit shall be approved by Planning Commission and City Council.
- B. A Conditional Use Permit shall be approved by Planning Commission.
- C. An outlot shall be created to provide internal access to the northern-most parcel.
- D. Declarations/covenants for the internal access (Outlot A) shall be submitted to Staff and recorded concurrently with plat for ease of tractability.
- E. All Kandiyohi County Engineering, Fire Chief/Marshall, Engineering/Public Works, and MUC comments shall be met, adhered to, and additional information supplied as requested.

Chaws Asian Market

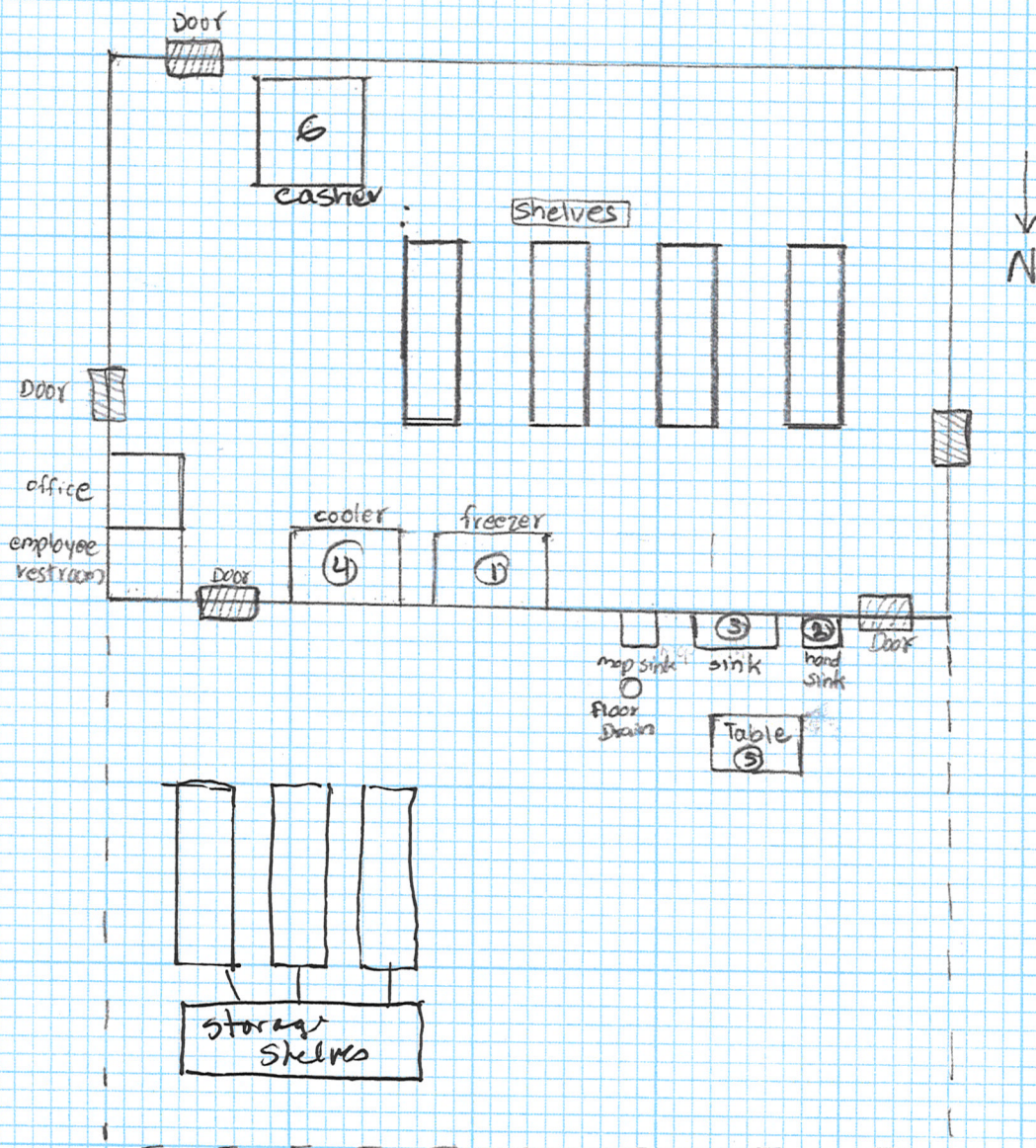


4/1/2021, 2:21:18 PM

<div> <div></div> <div>Railroad</div> </div> <div> <div></div> <div>Township Roads</div> </div> <div> <div></div> <div>Township</div> </div> <div> <div></div> <div>County Gravel</div> </div> <div> <div></div> <div>US & State Highways</div> </div>	<div> <div></div> <div>City</div> </div> <div> <div></div> <div>US</div> </div> <div> <div></div> <div>State</div> </div>	<div> <div></div> <div>County Gravel</div> </div> <div> <div></div> <div>County</div> </div> <div> <div></div> <div>County</div> </div>	<div> <div></div> <div>US</div> </div> <div> <div></div> <div>State</div> </div>
--	---	---	--



3



PLANNING COMMISSION – APRIL 7, 2021

STAFF COMMENTS

1. CHAWS ASIAN MARKET PLAN REVIEW – FILE NO 21-03

- The applicant is Hteh Hteh Rue & Ya Chaw of Willmar, MN (business owners) and Willmar Municipal Utilities (property owners).
- The applicant is requesting a plan review to allow a grocery store in an existing building on property described as follows: Lot 6 and the East 10 feet of Lot 7, Block 34, Original Town of Willmar; AND The West 15 feet of Lot 7, Lot 8, and Lot 9 excluding the Westerly 22 feet, Block 34, Original Town of Willmar (810/812 Litchfield Ave SW)
- The property is zoned GB (General Business).
- The use as a grocery store requires a Plan Review.
- The property was previously used as an off-sale liquor store.
- No structural changes to the existing building are proposed, other than an additional entrance on the West side for direct access to parking.
- The property is accessed via Litchfield Ave SW & Benson Ave SW.
- 9 parking spaces will be provided, 1 of which will be marked for handicap accessibility as required by ADA standards.
- A substantial One- and Two-Family residential zone is located just one block south of this property & sidewalks front Litchfield Ave SW on both sides of the road.
- Crosswalk striping at the intersection of Litchfield Ave SW & 9th St SW (or 8th St SW)?

RECOMMENDATION: Approve plan review with the following conditions:

- A. The use shall meet all applicable local, state, and federal rules and regulations at all times.

DRIVEWAY FINDINGS

City of St. Cloud

Commercial / Industrial / Multifamily Driveway Standards:

- Min - Max width: 24' - 30'
- Min Alleyway driveway: 14'
- Min thickness of concrete: 8"
- Unless otherwise noted by engineering
- Not poured monolithically with curb & gutter

Sidewalks must be min 4' width, max 2% slope, contraction joints equally spaced between 6'-8'

Residential Single / Duplex:

- Min - Max width: 12' - 24'
- Min thickness 6"
- Unless otherwise noted by engineering
- Not poured monolithically with curb & gutter

Sidewalks must be min 4' width, max 2% slope, contraction joints equally spaced between 6'-8'

City of Edina

Materials. That portion of the private driveway, private street or lane which traverses the public street right-of-way shall be constructed of materials as follows, if the private driveway, street or lane intersects:

- A concrete street or a concrete curb and gutter, then the apron and new gutter shall be concrete.
- A bituminous roadway without concrete curb and gutter, the intersecting area may be concrete, bituminous or other materials approved by the engineer.

Maximum width. The maximum driveway width at the curb line of the street shall be 30 feet exclusive of returns.

Minimum distance to street intersection. The minimum distance between the driveway and the nearest return of the intersection of two streets shall be 50 feet, as measured at the curb line of the street.

Minimum distance between driveways. Except in the R-1 and R-2 districts the minimum distance between adjoining driveways shall be 20 feet, as measured at the curb line of the street.

Minimum distance between driveway and lot line. Except in the R-1 and R-2 districts the minimum distance between a driveway and a side lot line shall be ten feet, as measured at the curb line of the street.

Maximum number. On lots less than 75 feet in width, no more than one driveway per lot shall intersect a street.

Curb cuts on collector streets. The number of driveways intersecting a street designated as a collector or arterial by the comprehensive plan shall be limited to those driveways essential for adequate access. When properties adjoin more than one street, driveways shall be restricted, if possible, to the street with a lower volume of traffic. The following additional restrictions apply to lots in the R-1 district and R-2 district:

- On interior lots no more than one driveway per dwelling unit shall intersect a street designated by the comprehensive plan as a collector or arterial.
- On corner lots or through lots no driveway shall intersect with a street designated by the comprehensive plan as a collector or arterial.

If all streets adjoining the lot are designated as collector or arterial, driveways shall be limited to the street with the lowest volume of traffic.

Other standards. The engineer may adopt additional standards as to the design, materials and installation of driveways to be located on the right-of-way of streets.

Exceptions. The engineer may grant exceptions to the standards and guidelines of this section in order to allow reasonable access to property, provided that such exceptions do not result in conditions hazardous to vehicular and pedestrian traffic.

Cities of Worthington, Owatonna, & Marshall have no driveway ordinances and is delt with by engineering, case by case like Willmar currently.

City of Bemidji

Waiting for call back from joint planner, cannot locate in city ordinances, building official said they do have standards though.

DRAFT ORDINANCE LANGUAGE:

Materials. That portion of the private driveway, private street or lane which traverses the public street right-of-way shall be constructed of materials as follows, if the private driveway, street or lane intersects:

- A concrete street or a concrete curb and gutter, then the apron and new gutter shall be concrete.

- A crushed gravel or other similar material may be used as driveway material with a concrete curb and gutter.
- A bituminous roadway without concrete curb and gutter, the intersecting area may be concrete, bituminous or other materials approved by the engineer.

Maximum width. The maximum driveway width at the curb line of the street shall be no more than 32 feet, exclusive of returns, in commercial and industrial zones and no more than 24 feet, exclusive of returns, in residential zones.

Minimum distance to street intersection. The minimum distance between the driveway and the nearest return of the intersection of two streets shall be 50 feet, as measured at the curb line of the street.

Minimum distance between driveways. Except in the R-1, R-2, and R-3 districts, the minimum distance between adjoining driveways shall be 50 feet, as measured at the curb line of the street.

Minimum distance between driveway and lot line. Except in the R-1, R-2, and R-3 districts, the minimum distance between a driveway and a side lot line shall be ten feet, as measured at the curb line of the street.

Maximum number. On residential lots less than 150 feet in width, no more than one driveway per lot shall intersect a street. At no time shall any residential lot have more than two driveways that intersect a street. *If a corner lot in an R-1 or R-2 zone is less than 150 feet in width, but not located on a collector or arterial street, that lot may have two driveways, one intersecting each street, granted that each driveway meets the minimum distance to a street intersection of 50 feet.*

Curb cuts on collector streets. The number of driveways intersecting a street designated as a collector or arterial by the comprehensive plan shall be limited to those driveways essential for adequate access. When properties adjoin more than one street, driveways shall be restricted, if possible, to the street with a lower volume of traffic. The following additional restrictions apply to lots in the R-1 district and R-2 district:

- On interior lots no more than one driveway per dwelling unit shall intersect a street designated by the comprehensive plan as a collector or arterial.
- On corner lots or through lots no driveway shall intersect with a street designated by the comprehensive plan as a collector or arterial.

If all streets adjoining the lot are designated as collector or arterial, driveways shall be limited to the street with the lowest volume of traffic.

Other standards. The engineer may adopt additional standards as to the design, materials and installation of driveways to be located on the right-of-way of streets.

Willmar Zoning Ordinance
Section 2
Rules and Definitions

- 33. *Conditional use.* An activity or use of the land which, because of special problems of control intrinsic in the use, requires reasonable but special, unusual, or extraordinary limitations for the protection of the public welfare and the integrity of the Comprehensive Land Use Plan.
- 34. *Conditional use permit.* A permit issued by the Planning Commission, in accordance with procedures specified in this Ordinance, as a flexibility device to enable the City to assign dimensions or conditions to a proposed use.
- 35. *Condominium.* A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to applicable provisions of Minnesota State Statutes.
- 36. *Council.* The City Council of the City of Willmar.
- 37. *Day care (home).* A use, restricted to a family dwelling, in which supervision and training of children of school or pre-school age is provided during part of the day (less than twenty-four (24) hours) with no overnight accommodations, and children are delivered and removed daily. The number of children to be cared for shall not exceed twelve, not including the family's own children. All required licenses shall be obtained.
- 38. *Day care center.* A commercial service provided to the public in which children of school or pre-school age are cared for during established business hours. Overnight accommodations may be provided, and children are delivered and removed daily. All required licenses shall be obtained.
- 39. *Drive-in.* Any use where products or services, or both, are provided to the customer under conditions where the customer does not have to leave the vehicle, or where service to the vehicle occupants is offered regardless of whether service is also provided within a building.
- 40. *Driveway access.* Openings or access to a public street or highway from private property.
- 41. *Duplex.* A residential building containing two (2) complete, independent dwelling units.

- S. DRIVEWAY ACCESS PERMIT/APPROVAL. A driveway access permit or approval for connection to a public road/street shall be obtained from the City Engineer or governmental agency having jurisdiction for said road/street before a Building Permit is issued.
- T. BUILDING PERMIT/APPROVAL.
1. Permit. No construction or alteration of a building/structure requiring a building permit under City policy shall begin until such time as the required permit has been obtained from the Building Inspector.
 2. Compliance. At such time as the Building Inspector has conducted and signed off on the final inspection, the structure shall be deemed to be in compliance with applicable codes, standards, and ordinances. Certificates of Compliance for Building Code or Zoning Ordinance compliance will be made available at the request of the affected property owner.
- U. FEES. The City Council shall establish by resolution, from time to time, such fees as it shall determine for applications made and/or permits issued pursuant to this Ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING NO. 1060
KNOWN AS THE WILLMAR ZONING ORDINANCE
BY AMENDING SECTIONS 3.S RELATING TO
DRIVEWAY ACCESS STANDARDS

The City Council of City of Willmar does ordain as follows:

SECTION 2. Ordinance 1060 is hereby amended by amended SECTION 3.S. so as to read as follows (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted):

- S. DRIVEWAY ACCESS ~~PERMIT/APPROVAL~~. ~~A driveway access permit or approval for connection to a public road/street shall be obtained from the City Engineer or governmental agency having jurisdiction for said road/street before a Building Permit is issued.~~
1. Permit. A driveway access permit or approval for connection to a public road/street with jurisdiction from a governmental agency other than the City shall be obtained for said road/street before a Building Permit is issued.
 2. Materials. That portion of the private driveway, private street or lane which traverses the public street right-of-way shall be constructed of materials as follows, if the private driveway, street or lane intersects:
 - a. For a concrete street or a concrete curb and gutter, the apron and new gutter shall be concrete, unless crushed gravel or other similar material is approved by the City Engineer or the City Engineer's designee.
 - b. For a bituminous roadway without concrete curb and gutter, the intersecting area may be concrete, bituminous or other materials as approved by the City Engineer or the City Engineer's designee.
 3. Maximum width. The maximum driveway width at the curb line of the street shall be no more than 32 feet, exclusive of returns, in commercial and industrial zones and no more than 24 feet, exclusive of returns, in residential zones.
 4. Minimum distance to street intersection. The minimum distance between the driveway and the nearest return of the intersection of two streets shall be 50 feet, as measured at the curb line of the street.
 5. Minimum distance between driveways. Except in the R-1, R-2, and R-3 districts, the minimum distance between adjoining driveways shall be 50 feet, as measured at the curb line of the street. In R-1, R-2, and R-3 districts, the minimum distance between adjoining driveways shall be ten feet, as measured at the curb line of the street.
 6. Minimum distance between driveway and lot line. Except in the R-1, R-2, and R-3 districts, the minimum distance between a driveway and a side lot line shall be ten feet, as measured at the curb line of the street. In R-1, R-2, and R-3 districts, the minimum distance between a driveway and a side lot line shall be five feet, as

measured at the curb line of the street.

7. Maximum number. On residential lots less than 150 feet in width, no more than one driveway per lot shall intersect a street. At no time shall any residential lot have more than two driveways that intersect a street. If a corner lot in an R-1 or R-2 zone is less than 150 feet in width, but not located on a collector or arterial street, that lot may have two driveways, one intersecting each street, granted that each driveway is located at least 50 feet from any street intersection.
8. Curb cuts on collector streets. The number of driveways intersecting a street designated as a collector or arterial by the comprehensive plan shall be limited to those driveways essential for adequate access. When properties adjoin more than one street, driveways shall be restricted, if possible, to the street with a lower volume of traffic. The following additional restrictions apply to lots in the R-1 district and R-2 district:
 - a. On interior lots no more than one driveway per dwelling unit shall intersect a street designated by the comprehensive plan as a collector or arterial.
 - b. On corner lots or through lots no driveway shall intersect with a street designated by the comprehensive plan as a collector or arterial.
 - c. If all streets adjoining the lot are designated as collector or arterial, driveways shall be limited to the street with the lowest volume of traffic.
9. Other standards. The engineer may adopt additional standards as to the design, materials and installation of driveways to be located on the right-of-way of streets.

Passed by the City Council of the City of Willmar this ____ day of _____, 2021.

ATTEST:

Judy Thompson, City Clerk

Marvin Calvin, Mayor

VOTE: ____ ASK ____ ASMUS ____ BUTTERFIELD ____ DAVIS
 ____ FAGERLIE ____ NELSEN ____ O'BRIEN ____ PLOWMAN

EFFECTIVE DATE. This Ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by Council Member: _____

This Ordinance introduced on: _____

This Ordinance published on: _____

This Ordinance given a hearing on: _____

This Ordinance adopted on: _____

This Ordinance published on: _____